



MAGISTRATE JUDGE LISA A. JENSEN
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FINAL PRETRIAL ORDER PROCEDURES FOR
CONSENT CASES BEFORE JUDGE JENSEN

In all civil trials scheduled before Judge Jensen, the parties are required to submit certain materials in advance of the final pretrial conference. Parties are encouraged to closely review this Standing Order. To the extent these guidelines differ from those contained in Local Rule 16.l(a), the parties should defer to Judge Jensen's requirements.

CONTENTS OF JOINT PROPOSED FINAL PRETRIAL ORDER

The parties are required to jointly prepare and submit a final pretrial order. In each particular case, the Court will set the date on which the final pretrial order is to be filed. An appropriately tabbed courtesy copy must be delivered to chambers.

The joint proposed final pretrial order must include the following items:

1. **Jurisdiction.** A statement of the basis alleged for the Court's jurisdiction and, if jurisdiction is disputed, the nature and basis of the dispute.
2. **Case Statement.** A concise joint statement of the case, which includes the names of the parties and the attorneys who will be representing them at trial; the nature of the case; the claims, counterclaims and cross-claims; and the defenses raised to those claims. In a jury case, this statement will be read to the jury during *voir dire*.
3. **Stipulations.** A statement of any stipulations reached by the parties.
4. **Witness Lists.** Separate lists for plaintiff and defendant providing the names and addresses of witnesses, including experts, divided into the following three

- categories: (a) witnesses who will be called to testify at trial; (b) witnesses who may be called to testify at trial; and (c) witnesses whose testimony will be presented by deposition or other prior testimony (indicating whether the presentation will be by transcript or video). In a jury case, these lists will be read to the jury during *voir dire*. **All expert witnesses who will or may be called must be included on the witness list.** All objections to the calling of any witnesses, and the reasons for the objections, must be stated in the pretrial order. For witnesses who will be presented by deposition or other prior testimony, the pretrial order must include the following information for each such witness: (a) the testimony that each side seeks to present, by page and line; (b) a concise statement of objections to any testimony and the basis for the objections; and (c) a concise statement of the asserted basis of admissibility.
5. **Exhibit List.** Lists of the trial exhibits (including demonstratives, summaries or other specially prepared exhibits), which are to be prepared in the following manner: A list of any joint exhibits, which states: (a) the exhibit number for the document (preceded by "JX"); (b) the date of the document; and (c) a brief description of the document. Separate lists of plaintiff's and defendant's exhibits, which each state: (a) the exhibit number of the document (preceded by "PX" for plaintiff's exhibits and "DX" for defendant's exhibits); (b) the date of the document; (c) a brief description of the document; (d) whether there is an objection to admission of the document and, if so, a concise statement of the basis for the objection (e.g., Rule 402 - relevance; Rule 403 - undue prejudice or confusion); and (e) a concise statement of the asserted basis of admissibility.
 6. **Estimate of Trial Time.** A statement of whether the case will be a bench trial or jury trial, and a realistic estimate of the length of the trial.
 7. **Damage Itemization.** An itemization of damages and other relief sought.
 8. **Proposed Findings and Conclusions.** For a bench trial, the parties shall confer about proposed findings of fact and conclusions of law as to which they agree and submit those to the Court. Each party also shall submit its separate proposed findings of fact and conclusions of law.
 9. **Motions *In Limine*.** Before including any motions *in limine* in the final pretrial order, the parties shall meet and confer in order to ensure that they list only those motions that are in dispute. If there are disputed motions *in limine*, the parties shall include those motions in the pretrial order. At the pretrial conference, the Court will hear arguments on the proposed motions and decide which ones warrant briefing.
 10. **Proposed *Voir Dire*.** For a jury trial, a list of proposed *voir dire* questions. The Court's standard *voir dire* questions can be obtained [here](#). The parties must exchange any proposed variations or additions to these general *voir dire* questions. The parties must meet and confer to attempt to resolve any disagreements about the questions. The final pretrial order must include both (a) each party's proposed *voir dire* questions, and (b) each party's objections, if any, to the *voir dire* questions proposed by other parties.

11. Proposed Jury Instructions. For a jury trial, a set of proposed jury instructions are to be included both in the written Pretrial Order and in Word format and emailed to the Court's [proposed order inbox](#). Where there is a Seventh Circuit pattern jury instruction on point, that instruction should be used absent a good reason for not doing so ([Federal Civil Jury Instructions of the Seventh Circuit](#)). Plaintiff's counsel and defendant's counsel must meet and confer to attempt to resolve any disagreements about instructions. The Court adopts the requirement in the District Court's Standing Order Establishing Pretrial Procedure that "[a]greed instructions shall be presented by the parties whenever possible." Further, the Court expects the parties to agree on all instructions other than those about which there is a genuine, material dispute. The parties must set forth all agreed and proposed jury instructions as follows:

- The proposed final pretrial order must set forth all instructions that the parties propose be given at the close of trial, arranged in the order that the parties proposed they be given.
- Each proposed instruction must be identified at the top of the page by number and must indicate the proponent of the instruction and whether the instruction is agreed or disputed (e.g., "Agreed Plaintiff's Proposed Preliminary Instruction No. ____"; "Defendant's Disputed Proposed Final Instruction No. ____"). The bottom of each instruction must identify the legal authority supporting that instruction. If an instruction is disputed, the grounds for the objection (and any proposed modification or alternate instruction) must be concisely stated on the page immediately following the disputed instruction; on the next immediate page, the party proposing the instruction may state concisely the reasons supporting the instruction proposed.

12. Settlement Status. A statement summarizing the current status of settlement negotiations and whether the parties believe a pretrial settlement conference would be productive.


It is the responsibility of plaintiff's counsel to prepare the initial draft of the pretrial order. Plaintiff's counsel must provide a draft of these materials to defendant's counsel by no later than 21 calendar days before the date the final pretrial order is due to be filed. Defendant's counsel must respond in writing to the draft by no later than 14 calendar days before the final pretrial order is due. The parties are required to meet and confer by no later than 7 calendar days before the final pretrial order is due to discuss their respective drafts and should attempt to reach agreement to the maximum extent possible. These scheduling dates for the exchange of drafts and personal consultation are designed to minimize disputes between the parties and to ensure the timely filing of the final pretrial order. These dates may be varied only by order of the Court.

It is then the responsibility of plaintiff's counsel - with full cooperation from defendant's

counsel - to assemble the version of the pretrial order to be filed on the docket. The pretrial order shall include a cover page with the case caption and the title "Final Pretrial Order." The cover page must: (1) recite that each of the foregoing categories of materials is included; (2) state that "This Order will control the court of trial and may not be amended except by consent of the parties, or by order of the Court to prevent manifest injustice;" and (3) provide spaces for the signature of counsel for each of the parties and the Court.

ENTER:

Dated: June 26, 2019


LISA A. JENSEN
United States Magistrate Judge